

# NUTRITION SERVICES DIVISION MANAGEMENT BULLETIN

No. 00-702

TO:	Summer Food Service Program Sponsors	ISSUE DATE:	June 2000
FROM:	Summer Food Service Program Unit		
ATTENTION:	Authorized Representatives		
SUBJECT:	Interim Rule – Implementation of Legislative Reforms		
REFERENCE:	Federal Register: December 28, 1999 (Volume 64, Number 248)		

This Management Bulletin transmits the United States Department of Agriculture (USDA) interim rule that amends the Summer Food Service Program (SFSP) regulations, effective January 27, 2000. The Federal Register is attached for more detailed information.

Some of these policy amendments were sent to you as Management Bulletins. A summary of the interim rule is outlined below.

## Private Nonprofit Organizations

**Sponsor Selection/Priority System:** Previously, a Private Nonprofit Organization (PNO) was considered last when two SFSP sponsors or potential sponsors requested to provide service in the same area. The interim rule removes this requirement. The State Agency (SA) must now consider eligible SFSP sponsor applicants in the following order:

- Local school food authorities;
- All other government agencies and PNOs that have demonstrated successful SFSP program performance in a prior year;
- New government agencies; and
- New PNOs.

If returning government agencies and PNOs request to serve the same area, the SA will make the approval determination.

**One-Year Waiting Period:** PNOs are no longer required to wait one year prior to participating in an area where a School Food Authority (SFA) or a government agency previously sponsored the SFSP.

**Warnings on PNO Application Materials:** SAs are no longer required to include criminal penalty language on PNO applications. SAs now have the **option** to include criminal penalty language and termination procedures on all application and pre-application materials.

The fine for convicted fraud or embezzlement increased from \$10,000 to \$25,000 for all child nutrition programs. SAs may quote the fine on all application and pre-application materials.

**Monitoring and Training:** PNOs are no longer required to attend special training. SAs are required to provide the same level of training and technical assistance to **all** sponsors.

**Numbers of Sites and Children Served:** Previous limitations on PNOs to operate a maximum of five urban and 20 rural sites with no more than 2,500 children served are removed. PNOs may now operate up to 25 urban or rural sites. However, the per site restriction of no more than 300 children served daily, per site, remains. As previously allowed, a waiver request may be submitted to the SA to serve up to 500 children daily, per site.

**Authority to Obtain Meals from Commercial Vendors:** The restriction against PNOs contracting with

commercial Food Service Management Companies was removed.

**Indication of Interest Requirement:** The previous requirement that SFAs and government sponsors submit an indication of interest to the SA by March 1<sup>st</sup> of each year was removed.

### **Paperwork Reduction**

**Free and Reduced Price Policy Statement:** The annual submission of the Free and Reduced Price Policy Statement is no longer required for schools. The requirement is not changed for a Government and PNO sponsor.

### **Food Service Management Companies**

**Registration requirement:** Previously, regulations mandated that all Food Service Management Companies register with the SA by March 15<sup>th</sup> of each year. Registration is now at the state's discretion. The California Department of Education (CDE) opted to continue registering vendors. However, CDE removed the March 15<sup>th</sup> deadline. This allows vendors to register anytime prior to entering into a contract with an eligible SFSP sponsor.

**Contract requirement:** The contract language for procuring meals must indicate that mandatory inspections of meals are required to determine bacteria levels present; inspection procedures must conform with standards used by the local or county health departments.

### **School Food Authorities (SFA)**

**Advance Program Payment:** SFAs must continue to conduct and document training of their site personnel prior to requesting a second administrative advance. When SFAs request a second operational and/or administrative advance payment, certification that all site personnel are trained is no longer required.

**Offer Versus Serve:** SFAs using Offer Versus Serve (OVS) during the regular school year may offer OVS to non-school sites as well as to school sites. SFAs must continue to open food service sites to all children living in the area.

**Single Permanent Agreement/Common Claims Form:** SAs are required to provide a single permanent agreement and a single reimbursement claim form to schools operating multiple child nutrition programs.

### **Temporary Assistance for Needy Families (TANF)**

All references to "Aid to Families with Dependant Children" (AFDC) were removed and replaced with the term "State program-funded." USDA amended the list of categorical programs triggering automatic eligibility to include the Food Distribution Program on Indian Reservations (FDPIR). Also, the required language that must be printed on the application for program benefits has been simplified and reorganized to improve the readability.

### **National Youth Sports Program (NYSP)**

The authority for NYSP sponsors to participate in the SFSP during the months of October through April expired. All language referring to "academic year NYSP" has been removed. NYSP sponsors may only participate during the months of May through September. NYSP sites can certify eligibility to participate in the SFSP by using:

- The 50 percent school enrollment factor of the schools from which they draw their attendance;
- The 50 percent eligibility factor when certifying enrollment applications; or
- Their NYSP status to certify the income eligibility of their applicants.

### **Consolidated Benefits for Homeless Children**

Homeless shelter participation in the SFSP has been moved to the Child and Adult Care Food Program (CACFP). Homeless shelters may:

- Receive up to three meals or two meals and a snack daily, per child on the CACFP; or
- Participate in the SFSP as an open or enrolled site but must meet each specific category

requirement.

## **Program Payments**

**Per-meal Reimbursement:** The reimbursement is now adjusted down to the nearest whole cent rather than the nearest quarter cent.

## **Number of Meals and Meal Pattern Requirement**

**Number of Meals for Camps and Migrant Sites:** Camps and migrant feeding sites may now serve a maximum of three meals daily, per child or two meals and one snack daily, per child. Previously, four meals were allowed.

**Changes to Terminology and Meal Pattern Requirements:** Changes have been made to reflect consistency among all child nutrition programs:

- Supplements will now be called snacks;
- One large egg is now equivalent to two ounces of meat/meat alternate; and
- One-half large egg is equivalent to one ounce of meat/meat alternate.

Comments on this interim rule are requested and must be postmarked on or before June 25, 2000. Comments may be sent to:

Mr. Robert M. Eadie, Chief  
Policy and Program Development Branch  
Child Nutrition Division  
Food and Nutrition Service  
Department of Agriculture  
3101 Park Center Drive, Room 1007  
Alexandria, VA 22302-1594

Please also send a copy of your comments to:

Patty Atherton, Program Analyst  
California Department of Education  
Nutrition Services Division  
Summer Food Service Program Unit  
560 J Street, Room 270  
Sacramento, CA 95814

If you have any questions, please contact Patty Atherton, Program Analyst, Summer Food Service Program Unit, at (916) 327-5456, (800) 333-5675 or [patherto@cde.ca.gov](mailto:patherto@cde.ca.gov).

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Marilyn Briggs, Director  
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Kathy B. Lewis  
Deputy Superintendent  
Child, Youth and Family Services Branch

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